

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BAILEY SILVERMAN and LOUIS SILVERMAN	§	
	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	CASE NO. 4:10-cv-1952
	§	
WATSON LABORATORIES, INC., FLORIDA WATSON PHARMA, INC., and CAPSUGEL, INC.	§	
	§	
Defendants.	§	

**DEFENDANT CAPSUGEL, INC.'S MOTION TO DISMISS PLAINTIFFS' SECOND
AMENDED COMPLAINT**

COMES NOW Defendant Capsugel, Inc. ("Capsugel"), by counsel, pursuant to Rules 12(b)(6) and 15(a)(2) of the Federal Rules of Civil Procedure, hereby move to dismiss the claims asserted in Plaintiffs' Second Amended Complaint. In support of said Motion, Defendant files herewith its Brief in Support of Motion to Dismiss and a Proposed Order.

Respectfully submitted,

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ATTORNEYS FOR CAPSUGEL, INC.

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2012, I electronically transmitted the foregoing document to the Clerk of the Court for the U.S. District Court, Southern District of Texas, using the electronic case filing system of the Court. A Notice of Electronic Filing was transmitted to all ECF registrants as authorized by Federal Rule of Civil Procedure 5(b)(2)(E).

/s/ Margaret "Peg" Donahue Hall
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